



RECEIVED
FEDERAL ELECTION
COMMISSION

2016 SEP -7 PM 12:47

August 26, 2016

OFFICE OF GENERAL
COUNSEL

Jeff S. Jordan
Assistant General Counsel
Office of Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 7132

Re: Complaint Against Michael David Pitts for Causing Multiple Violations of the Federal Election Campaign Act

Dear Mr. Jordan:

This complaint is filed pursuant to 52 USC 30109(a)(1), alleging that Michael David Pitts, former Vice President of Tax for Amedisys, Inc., defrauded Amedisys PAC ("AmedPAC") of \$79,640.00 and caused the PAC to fail to disclose both that disbursement and a corresponding amount of contributions made to the PAC by Amedisys employees, all in violation of the Federal Election Campaign Act. The allegations contained herein are based on my personal review of Amedisys documentation, conversations with Amedisys personnel who also have first-hand knowledge of the facts presented herein, and on the allegations made in the federal criminal charges to which Mr. Pitts pled guilty earlier this year, relating to similar and even more extensive frauds he committed against the company.¹

Specifically, on November 19, 2013, we believe that Mr. Pitts drafted Amedisys PAC check number 1130 (copy attached), through which he caused the PAC to make a \$79,640 disbursement to "Evergreen Incentives, LLC" by forging the signature of the founder and then-CEO of Amedisys, William F. Borne.² According to Mr. Pitts' guilty plea, Evergreen Incentives LLC is a fictitious business entity he created to help execute his various embezzlements. That month, Mr. Pitts also transferred \$85,000 of payroll deduction contributions to the AmedPAC bank account that Amedisys Inc. had previously withheld from various Amedisys employees.

On December 11, 2013, pursuant to authority delegated to him by Amedisys' corporate leadership and the Treasurer and Assistant Treasurer of AmedPAC, Pitts put together and filed the PAC's Form 3X Report of Receipts and Disbursements for the preceding month. He omitted both the \$79,640 disbursement to Evergreen Incentives and all but \$5,360 of the \$85,000 transfer of payroll deductions from that report. We believe it's obvious that he knowingly and willfully omitted those transactions from the FEC report in order to conceal his theft.

Beyond causing those reporting violations, we believe he used a separate legal violation, namely his failure to transfer the PAC's payroll deductions in a timely manner, to help execute his fraud. By only transferring payroll deduction contributions to the PAC on an occasional basis, he allowed the deductions to aggregate to larger amounts within the company's payroll system. That allowed him to transfer those proceeds into the

¹ See <https://www.justice.gov/usao-mdla/pr/former-vice-president-health-care-company-pleads-guilty-fraud-scheme-worth-over-75>, last accessed Aug. 26, 2016.

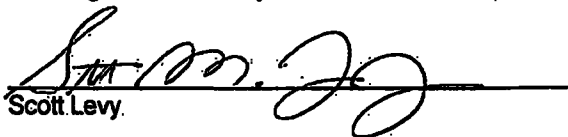
² Tragically, Mr. Borne lost his life earlier this month in the historic flooding that has struck Baton Rouge: http://www.theadvocate.com/baton_rouge/news/crime_police/article_349a48ae-63da-11e6-ba07-f7510796bcd6.html. Months earlier, however, Mr. Borne confirmed to me and to various other Amedisys personnel that he neither signed nor authorized the \$79,640 disbursement from the PAC to Evergreen Incentives, LLC.



PAC in a relatively small number of relatively large transactions. Consequently, Mr. Pitts was able to steal a large amount of money from the PAC while only needing to conceal the PAC bank statement for one month. Mr. Pitts typically kept a copy of each PAC bank statement scanned together into the same .pdf file with a copy of the corresponding FEC report, but the bank statement is missing from the .pdf file he kept for November 2013.

Via a separate filing submitted to the Commission simultaneously with this complaint, Amedisys Inc. and Amedisys PAC are also self-reporting these violations pursuant to the FEC's policy on "sua sponte" submissions. Nevertheless, in light of the financial and reputational damage he has caused our company, on behalf of all of us at Amedisys I respectfully urge the Commission to prosecute Michael David Pitts for the violations he caused of the Federal Election Campaign Act to the fullest extent of the law.

The above and foregoing is subscribed and sworn to by, and based on the information and belief of the undersigned, Scott Levy.


Scott Levy

[notary jurat]

Sworn before me on August 26, 2016

Notary Public for South Carolina
My Commission expires on 9-23-2018





RECEIVED
FEDERAL ELECTION
COMMISSION

2016 SEP -7 PM 12: 47

OFFICE OF GENERAL PERIODIC STATEMENT

AMEDISYS PAC LLC
5959 S SHERWOOD FORREST BLVE
BATON ROUGE, LA 70816

Date: Nov 30, 2013
Period: Nov 01, 2013 to Nov 30, 2013
(30 Days)

Personal
Banker: Cynthia Wade

Analysis charges will be assessed to your account on the 10th business day following this statement.

ACCOUNT #: CK -

BlBank Commercial Checking

Amedisys PAC LLC

Enclosures: 4

Beginning Balance

as of 11/01/13

Deposits & Other Credits

Charges & Fees

Checks & Other Debits

Average Balance

Ending Balance

as of 11/30/13

199,466.04

85,000.00

✓ 1.92

87,140.00

203,347.08

197,324.12

Charges And Fees

1 Analysis Charge Previous Month

✓ 1.92

Charges and Fees Related to Overdrafts and Returned Items

	Total For This Period	Total Year-to-Date
Total Overdraft Fees:	0.00	0.00
Total Returned Items Fees:	0.00	0.00

Transaction Information

Date	Check#	Description	Credit Amount	Debit Amount
11/15		Analysis Charge Previous Month		1.92

Account #: CK -

**PERIODIC STATEMENT
AMEDISYS PAC LLC**

Nov 30, 2013

Transaction Information (continued)

Date	Check#	Description	Credit Amount	Debit Amount
11/18		Deposit	85,000.00	

Check Information

Date	Check#	Amount	Date	Check#	Amount
11/20	1123	5,000.00	11/08	1132 *	2,500.00
11/20	1130 *	79,640.00			

* Indicates a break in the Check number order.

Daily Balance Information

Date	Balance	Date	Balance	Date	Balance
11/08	196,966.04	11/18	281,964.12	11/30	197,324.12
11/15	196,964.12	11/20	197,324.12		

Page: 2

1804444081

AMEDISYS PAC, LLC
1918 S. WILSON ROAD, SUITE 100
BAYTOWN, TEXAS 77528

11/20/2013 1123 \$5,000.00

Pay to the order of *First National Bank*

Five Thousand and 00/100

For Deposit Only

William F. Bane

11/20/2013 1123 \$5,000.00

AMEDISYS PAC, LLC
1918 S. WILSON ROAD, SUITE 100
BAYTOWN, TEXAS 77528

11/20/2013 1130 \$79,640.00

Pay to the order of *Evergreen Properties, LLC*

Seventy Nine Thousand Six Hundred Forty and 00/100

Evergreen Properties, LLC

William F. Bane

11/20/2013 1130 \$79,640.00

AMEDISYS PAC, LLC
1918 S. WILSON ROAD, SUITE 100
BAYTOWN, TEXAS 77528

11/18/2013 1132 \$2,500.00

Pay to the order of *Price for Congress*

Two Thousand Five Hundred and 00/100

Price for Congress
PO Box 425
Rome, GA 30077

William F. Bane

11/18/2013 1132 \$2,500.00

180444440081

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Amedisys, Inc. Political Action Committee

ADDRESS (number and street)

5959 South Sherwood Forest Blvd

Check if different
than previously
reported. (ACC)

Baton Rouge

LA

70816

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00436360

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)January 31
Year-End Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

X Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the
State of(d) 30-Day
POST-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

In the
State of

5. Covering Period

10

01

2013

through

10

31

2013

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Scott Ginn

Signature of Treasurer

Scott Ginn

Date

11

12

2013

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
OnlyFEC FORM 3X
Rev. 12/2004

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Amedisys, Inc. Political Action Committee

Report Covering the Period:

From:

10 01 2013

To:

10 31 2013

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2013		115298.85
(b) Cash on Hand at Beginning of Reporting Period.....	181489.04	
(c) Total Receipts (from Line 19)	0.00	106759.73
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	181489.04	222058.68
7. Total Disbursements (from Line 31)	5503.00	46090.64
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	175986.04	175986.04
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D)	0.00	

☒ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

Amedisys, Inc. Political Action Committee

Report Covering the Period: From: 10 01 2013 To: 10 31 2013

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	108731.00
(ii) Unitemized.....	0.00	0.00
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	0.00	108731.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶	0.00	108731.00
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	28.73
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	0.00	108759.73
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	0.00	108759.73

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	0.00	0.00
22. Transfers to Affiliated/Other Party Committees	0.00	1000.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	5500.00	44700.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	0.00
29. Other Disbursements	3.00	390.84
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	5503.00	46080.84
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	5503.00	46080.84

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	0.00	106731.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	0.00	106731.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	0.00	0.00
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	28.73
38. Net Operating Expenditures (subtract Line 37 from Line 36)	0.00	-28.73

10044444001

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE 6 OF 6

☐ 21b ☐ 22 ☒ 23 ☐ 24 ☐ 25 ☐ 26
☐ 27 ☐ 28a ☐ 28b ☐ 28c ☐ 29 ☐ 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Amedisys, Inc. Political Action Committee

Full Name (Last, First, Middle Initial)

A. ALASKANS FOR BEGICH 2014

Date of Disbursement

Mailing Address 1231 W NORTHERN LTS #805

10 01 2013

City ANCHORAGE State AK Zip Code 99503

Transaction ID : SB23.5310

Purpose of Disbursement
Contribution

011

Amount of Each Disbursement this Period

Candidate Name

Category/
Type

1000.00

Office Sought:

☒ House
☐ Senate
☐ President

Disbursement For: 2014

☒ Primary ☐ General
☐ Other (specify) ▼

State: AK District: 00

Full Name (Last, First, Middle Initial)

B. JIM GERLACH FOR CONGRESS COMMITTEE

Date of Disbursement

Mailing Address PO BOX 87

10 01 2013

City UWCHLAND State PA Zip Code 19480

Transaction ID : SB23.5313

Purpose of Disbursement

011

Amount of Each Disbursement this Period

Candidate Name

Category/
Type

2000.00

Office Sought:

☒ House
☐ Senate
☐ President

Disbursement For: 2014

☒ Primary ☐ General
☐ Other (specify) ▼

State: PA District: 06

Full Name (Last, First, Middle Initial)

C. PRICE FOR CONGRESS

Date of Disbursement

Mailing Address P.O. BOX 425

10 01 2013

City ROSWELL State GA Zip Code 30077

Transaction ID : SB23.5308

Purpose of Disbursement
Contribution

011

Amount of Each Disbursement this Period

Candidate Name

Category/
Type

2500.00

Office Sought:

☒ House
☐ Senate
☐ President

Disbursement For: 2014

☒ Primary ☐ General
☐ Other (specify) ▼

State: GA District: 06

SUBTOTAL of Disbursements This Page (optional).....▶

5500.00

TOTAL This Period (last page this line number only).....▶

5500.00

10:35 AM
11/12/13
Accrual Basis

Amedisys PAC, LLC
Balance Sheet
As of October 31, 2013

	<u>Oct 31, 13</u>
ASSETS	
Current Assets	
Checking/Savings	
Business First Bank	175,966.04
Total Checking/Savings	<u>175,966.04</u>
Total Current Assets	<u>175,966.04</u>
TOTAL ASSETS	<u><u>175,966.04</u></u>
LIABILITIES & EQUITY	
Equity	
Unrestricted Net Assets	116,298.85
Net Income	60,669.09
Total Equity	<u>175,966.04</u>
TOTAL LIABILITIES & EQUITY	<u><u>175,966.04</u></u>

10:34 AM
11/12/13
Accrual Basis

Amedisys PAC, LLC
Profit & Loss
October 2013

	<u>Oct 13</u>
Ordinary Income/Expense	
Expense	
Bank Charges	3.00
Campaign Contributions	<u>5,500.00</u>
Total Expense	<u>5,503.00</u>
Net Ordinary Income	<u>-5,503.00</u>
Net Income	<u><u>-5,503.00</u></u>

10:34 AM

11/12/13

Accrual Basis

Amedisys PAC, LLC
Transaction Detail By Account
October 2013

Type	Date	Num	Name	Memo	Clr	Split	Amount	Balance
Campaign Contributions								
Check	10/1/2013	1131	Jim Garlach for Congress	2014 Primary...		Business First...	2,000.00	2,000.00
Check	10/1/2013	1132	Price for Congress	2014 Primary		Business First...	2,500.00	4,500.00
Check	10/1/2013	1133	Alaskans for Begich	2014 Primary		Business First...	1,000.00	5,500.00
Total Campaign Contributions							5,500.00	5,500.00
TOTAL							5,500.00	5,500.00

10:34 AM

11/12/13

Amedisys PAC, LLC
Reconciliation Summary
Business First Bank, Period Ending 10/31/2013

	<u>Oct 31, 13</u>
Beginning Balance	200,489.04
Cleared Transactions	
Checks and Payments - 2 Items	-1,003.00
Total Cleared Transactions	-1,003.00
Cleared Balance	199,486.04
Uncleared Transactions	
Checks and Payments - 10 Items	-23,500.00
Total Uncleared Transactions	-23,500.00
Register Balance as of 10/31/2013	175,986.04
Ending Balance	175,986.04

10:34 AM

11/12/13

Amedleys PAC, LLC
Reconciliation Detail
Business First Bank, Period Ending 10/31/2013

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						200,469.04
Cleared Transactions						
Checks and Payments - 2 Items						
Check	10/1/2013	1133	Alaskans for Begich	X	-1,000.00	-1,000.00
Check	10/31/2013			X	-3.00	-1,003.00
Total Checks and Payments					-1,003.00	-1,003.00
Total Cleared Transactions					-1,003.00	-1,003.00
Cleared Balance					-1,003.00	199,466.04
Uncleared Transactions						
Checks and Payments - 10 Items						
Check	8/22/2011	1057	Gardner for Congre...		-1,000.00	-1,000.00
Check	6/22/2011	1056	Berg for Congress		-1,000.00	-2,000.00
Check	3/8/2012	1072	Bill Nelson for US S...		-500.00	-2,500.00
Check	10/30/2012	1085	Priorities USA Action		-5,000.00	-7,500.00
Check	11/29/2012	1106	Jim Gerlach for Con...		-1,000.00	-8,500.00
Check	12/12/2012	1111	Jim Gerlach for Con...		-4,000.00	-12,500.00
Check	12/12/2012	1112	Jim Gerlach for Con...		-1,500.00	-14,000.00
Check	7/15/2013	1123	Wyden for Oregon		-5,000.00	-19,000.00
Check	10/1/2013	1132	Price for Congress		-2,500.00	-21,500.00
Check	10/1/2013	1131	Jim Gerlach for Con...		-2,000.00	-23,500.00
Total Checks and Payments					-23,500.00	-23,500.00
Total Uncleared Transactions					-23,500.00	-23,500.00
Register Balance as of 10/31/2013					-24,503.00	175,966.04
Ending Balance					-24,503.00	175,966.04



STATEMENT OF ACCOUNT

Page: 1 of 3

Account:

AMEDISYS PAC LLC
5959 S SHERWOOD FORREST BLVE
BATON ROUGE, LA 70816

PERIODIC STATEMENT

Date: Oct 31, 2013

Period: Oct 01, 2013 to Oct 31, 2013
(31 Days)

Enclosures: 1

Private Banker:

Cynthia Wade

Analysis charges will be assessed to your account on the 10th business day following this statement.



B1Bank Commercial Checking

ACCOUNT : CK -

Account Summary

Beginning Balance as of 10/01/13	200,469.04
Deposits & Other Credits	0.00
Charges & Fees	3.00
Checks & Other Debits	1,000.00
Average Balance	200,402.98
Ending Balance as of 10/31/13	199,466.04
Charges And Fees	
1 Analysis Charge Previous Month	3.00

Charges and Fees Related to Overdrafts and Returned Items

	Total For This Period	Total Year-to-Date
Total Overdraft Fees:	0.00	0.00
Total Returned Items Fees:	0.00	0.00

Deposits and Withdrawals Transaction Information

Date	Number	Transaction Description	Credit Amount	Debit Amount
10/15		Analysis Charge Previous Month		3.00

Checks Cleared

Visit us on the web at: www.b1bank.com



NOTICE SEE REVERSE SIDE FOR IMPORTANT INFORMATION
Payments received at the address indicated on this statement by 5:00 p.m. Central Time
each business day.



Date	Number	Amount	Date	Number	Amount
10/30	1133	1,000.00			

* = Break in the check number order.

Daily Balance Information

Date	Balance	Date	Balance	Date	Balance
10/15	200,466.04	10/30	199,466.04	10/31	199,466.04



10004440001

Account:

Page: 3 of 3

10/30/2013 1133 \$1,000.00



1001-0000000001